

Arlington Town Meeting — Motion to Amend

ARTICLE NO. 14

Dated: 4/28/24

I, John Paul Lewicke, do hereby submit the following Motion to Amend Article 14:

To amend the main motion by inserting the sentence "This will not apply if the person engaged in picketing resides at the residence or dwelling, or has been invited to engage in picketing by a resident of that residence or dwelling." after the first sentence.

Comment:

The effect of this amendment is that Article 14 reads as follows when applied to the recommended vote of the Select Board:

It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the Town of Arlington. This will not apply if the person engaged in picketing resides at the residence or dwelling, or has been invited to engage in picketing by a resident of that residence or dwelling.

The wording of this motion is intended to be compatible with both the Bunnell amendment and the Pretzker amendment.

I am submitting this amendment because of concerns that this bylaw could inadvertently outlaw certain types of political speech in residential locations in Arlington even when they are undertaken by residents in their own homes. For example, there has been concern that tenants could not protest their landlord's behavior outside the apartment that they live in. While the Bunnell amendment helps address situations in which dwelling units are not specifically targeted and are only incidentally nearby, it still does not address situations in which people are effectively picketing themselves.

There has been extensive discussion of how the Supreme Court case *Frisby v. Schultz* relates to the proposed bylaw. That case established that the right to privacy in their own home could be extended to protect the "unwilling listener" from residential picketing. That rationale is missing when the protestor is themselves a resident or an invited guest of a resident.

Respectfully submitted,

/s/ John Paul Lewicke

Date Voted: _____

John Paul Lewicke, Precinct 2

Action Taken: _____